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CHAD BIANCO, in his Official Capacity  
as the Riverside County Sheriff

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

DAVID PHILLIPS VALLEJOS,  
Plaintiff.

VS.

ROB BONTA, in his official capacity as the Attorney General of the State of California; and CHAD BIANCO, in his official capacity as the Riverside County Sheriff,

### Defendants.

Case No. 5:25-CV-00350-SPG-E  
[Hon. Sherilyn Peace Garnett, Dist.  
Judge; Hon. Charles F. Eick, M. Judge]

**DEFENDANT CHAD BIANCO'S  
ANSWER TO PLAINTIFF'S  
COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF: JURY  
TRIAL DEMANDED**

Action Filed: February 7, 2025

Defendant CHAD BIANCO (“Defendant”) hereby answer Plaintiff’s Complaint for Declaratory and Injunctive Relief (Dkt. 1; hereinafter referred to as the “Complaint”) and Defendant hereby admits, denies, and alleges as follows:

## **ANSWER TO COMPLAINT**

1. Answering paragraph 1 of the Complaint, under the header "Parties": Defendant does not have sufficient knowledge, or information or belief, to enable Defendant to answer the allegations contained within such paragraph, as stated, and on those grounds deny generally and specifically each and every of the allegations

1 contained therein – and Defendant denies all liability and/or wrongdoing.

2       2. Answering paragraph 2 of the Complaint, under the header “Parties”:  
3 Defendant does not have sufficient knowledge, or information or belief, to enable  
4 Defendant to answer the allegations contained within such paragraph, as stated, and  
5 on those grounds deny generally and specifically each and every of the allegations  
6 contained therein – and Defendant denies all liability and/or wrongdoing.

7       3. Answering paragraph 3 of the Complaint, under the header “Parties”:  
8 Defendant does not have sufficient knowledge, or information or belief, to enable  
9 Defendant to answer the allegations contained within such paragraph, as stated, and  
10 on those grounds deny generally and specifically each and every of the allegations  
11 contained therein – and Defendant denies all liability and/or wrongdoing.

12      4. Answering paragraph 4 of the Complaint, under the header “Parties”:  
13 Defendant does not have sufficient knowledge, or information or belief, to enable  
14 Defendant to answer the allegations contained within such paragraph, as stated, and  
15 on those grounds deny generally and specifically each and every of the allegations  
16 contained therein – and Defendant denies all liability and/or wrongdoing.

17      5. Answering paragraph 5 of the Complaint, under the header “Jurisdiction  
18 and Venue”: Defendant does not have sufficient knowledge, or information or belief,  
19 to enable Defendant to answer the allegations contained within such paragraph, as  
20 stated, and on those grounds deny generally and specifically each and every of the  
21 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

22      6. Answering paragraph 6 of the Complaint, under the header “Jurisdiction  
23 and Venue”: Defendant does not have sufficient knowledge, or information or belief,  
24 to enable Defendant to answer the allegations contained within such paragraph, as  
25 stated, and on those grounds deny generally and specifically each and every of the  
26 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

27      7. Answering paragraph 7 of the Complaint, under the header “Statement  
28 of Facts”: Defendant admits that jurisdiction is conferred upon this Court by 28 U.S.C.

1 §§ 1331. As to the remaining allegations in this paragraph, Defendant does not have  
2 sufficient knowledge, or information or belief, to enable Defendant to answer the  
3 allegations contained within such paragraph, as stated, and on those grounds deny  
4 generally and specifically each and every of the allegations contained therein – and  
5 Defendant denies all liability and/or wrongdoing.

6       8. Answering paragraph 8 of the Complaint, under the header “Statement  
7 of Facts”: Defendant does not have sufficient knowledge, or information or belief, to  
8 enable Defendant to answer the allegations contained within such paragraph, as  
9 stated, and on those grounds deny generally and specifically each and every of the  
10 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

11       9. Answering paragraph 9 of the Complaint, under the header “Statement  
12 of Facts”: Defendant admits that venue is proper under 28 U.S.C. § 1391(b). As to the  
13 remaining allegations in this paragraph, Defendant does not have sufficient  
14 knowledge, or information or belief, to enable Defendant to answer the allegations  
15 contained within such paragraph, as stated, and on those grounds deny generally and  
16 specifically each and every of the allegations contained therein – and Defendant  
17 denies all liability and/or wrongdoing.

18       10. Answering paragraph 10 of the Complaint, under the header “Statement  
19 of Facts”: Defendant does not have sufficient knowledge, or information or belief, to  
20 enable Defendant to answer the allegations contained within such paragraph, as  
21 stated, and on those grounds deny generally and specifically each and every of the  
22 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

23       11. Answering paragraph 11 of the Complaint, under the header “Statement  
24 of Facts”: Defendant does not have sufficient knowledge, or information or belief, to  
25 enable Defendant to answer the allegations contained within such paragraph, as  
26 stated, and on those grounds deny generally and specifically each and every of the  
27 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

28       12. Answering paragraph 12 of the Complaint, under the header “Statement

1 of Facts": Defendant does not have sufficient knowledge, or information or belief, to  
2 enable Defendant to answer the allegations contained within such paragraph, as  
3 stated, and on those grounds deny generally and specifically each and every of the  
4 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

5       13. Answering paragraph 13 of the Complaint, under the header "Statement  
6 of Facts": Defendant does not have sufficient knowledge, or information or belief, to  
7 enable Defendant to answer the allegations contained within such paragraph, as  
8 stated, and on those grounds deny generally and specifically each and every of the  
9 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

10      14. Answering paragraph 14 of the Complaint, under the header "Statement  
11 of Facts": Defendant does not have sufficient knowledge, or information or belief, to  
12 enable Defendant to answer the allegations contained within such paragraph, as  
13 stated, and on those grounds deny generally and specifically each and every of the  
14 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

15      15. Answering paragraph 15 of the Complaint, under the header "Statement  
16 of Facts": Defendant does not have sufficient knowledge, or information or belief, to  
17 enable Defendant to answer the allegations contained within such paragraph, as  
18 stated, and on those grounds deny generally and specifically each and every of the  
19 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

20      16. Answering paragraph 16 of the Complaint, under the header "Statement  
21 of Facts": Defendant admits that COUNTY OF RIVERSIDE owns, operates,  
22 manages, directs, and controls RIVERSIDE COUNTY SHERIFF'S DEPARTMENT.  
23 As to the remaining allegations in this paragraph, Defendant does not have sufficient  
24 knowledge, or information or belief, to enable Defendant to answer the allegations  
25 contained within such paragraph, as stated, and on those grounds deny generally and  
26 specifically each and every of the allegations contained therein – and Defendant  
27 denies all liability and/or wrongdoing.

28      17. Answering paragraph 17 of the Complaint, under the header "Statement

1 of Facts": Defendant admits that Defendant CHAD BIANCO is the Sheriff-Coroner  
2 of RIVERSIDE COUNTY. As to the remaining allegations in this paragraph,  
3 Defendant does not have sufficient knowledge, or information or belief, to enable  
4 Defendant to answer the allegations contained within such paragraph, as stated, and  
5 on those grounds deny generally and specifically each and every of the allegations  
6 contained therein – and Defendant denies all liability and/or wrongdoing.

7       18. Answering paragraph 18 of the Complaint, under the header "Statement  
8 of Facts": Defendant does not have sufficient knowledge, or information or belief, to  
9 enable Defendant to answer the allegations contained within such paragraph, as  
10 stated, and on those grounds deny generally and specifically each and every of the  
11 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

12       19. Answering paragraph 19 of the Complaint, under the header "Statement  
13 of Facts": Defendant does not have sufficient knowledge, or information or belief, to  
14 enable Defendant to answer the allegations contained within such paragraph, as  
15 stated, and on those grounds deny generally and specifically each and every of the  
16 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

17       20. Answering paragraph 20 of the Complaint, under the header "Statement  
18 of Facts": Defendant does not have sufficient knowledge, or information or belief, to  
19 enable Defendant to answer the allegations contained within such paragraph, as  
20 stated, and on those grounds deny generally and specifically each and every of the  
21 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

22       21. Answering paragraph 21 of the Complaint, under the header "Statement  
23 of Facts": Defendant does not have sufficient knowledge, or information or belief, to  
24 enable Defendant to answer the allegations contained within such paragraph, as  
25 stated, and on those grounds deny generally and specifically each and every of the  
26 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

27       22. Answering paragraph 22 of the Complaint, under the header "Statement  
28 of Facts": Defendant does not have sufficient knowledge, or information or belief, to

1 enable Defendant to answer the allegations contained within such paragraph, as  
2 stated, and on those grounds deny generally and specifically each and every of the  
3 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

4       23. Answering paragraph 23 of the Complaint, under the header “Statement  
5 of Facts”: Defendant does not have sufficient knowledge, or information or belief, to  
6 enable Defendant to answer the allegations contained within such paragraph, as  
7 stated, and on those grounds deny generally and specifically each and every of the  
8 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

9       24. Answering paragraph 24 of the Complaint, under the header “Statement  
10 of Facts”: Defendant does not have sufficient knowledge, or information or belief, to  
11 enable Defendant to answer the allegations contained within such paragraph, as  
12 stated, and on those grounds deny generally and specifically each and every of the  
13 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

14       25. Answering paragraph 25 of the Complaint, under the header “Statement  
15 of Facts”: Defendant does not have sufficient knowledge, or information or belief, to  
16 enable Defendant to answer the allegations contained within such paragraph, as  
17 stated, and on those grounds deny generally and specifically each and every of the  
18 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

19       26. Answering paragraph 26 of the Complaint, under the header “Statement  
20 of Facts”: Defendant does not have sufficient knowledge, or information or belief, to  
21 enable Defendant to answer the allegations contained within such paragraph, as  
22 stated, and on those grounds deny generally and specifically each and every of the  
23 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

24       27. Answering paragraph 27 of the Complaint, under the header “Statement  
25 of Facts”: Defendant does not have sufficient knowledge, or information or belief, to  
26 enable Defendant to answer the allegations contained within such paragraph, as  
27 stated, and on those grounds deny generally and specifically each and every of the  
28 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

1       28. Answering paragraph 28 of the Complaint, under the header “Statement  
2 of Facts”: Defendant does not have sufficient knowledge, or information or belief, to  
3 enable Defendant to answer the allegations contained within such paragraph, as  
4 stated, and on those grounds deny generally and specifically each and every of the  
5 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

6       29. Answering paragraph 29 of the Complaint, under the header “Statement  
7 of Facts”: Defendant does not have sufficient knowledge, or information or belief, to  
8 enable Defendant to answer the allegations contained within such paragraph, as  
9 stated, and on those grounds deny generally and specifically each and every of the  
10 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

11      30. Answering paragraph 30 of the Complaint, under the header “Statement  
12 of Facts”: Defendant does not have sufficient knowledge, or information or belief, to  
13 enable Defendant to answer the allegations contained within such paragraph, as  
14 stated, and on those grounds deny generally and specifically each and every of the  
15 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

16      31. Answering paragraph 31 of the Complaint, under the header “Statement  
17 of Facts”: Defendant does not have sufficient knowledge, or information or belief, to  
18 enable Defendant to answer the allegations contained within such paragraph, as  
19 stated, and on those grounds deny generally and specifically each and every of the  
20 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

21      32. Answering paragraph 32 of the Complaint, under the header “Statement  
22 of Facts”: Defendant does not have sufficient knowledge, or information or belief, to  
23 enable Defendant to answer the allegations contained within such paragraph, as  
24 stated, and on those grounds deny generally and specifically each and every of the  
25 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

26      33. Answering paragraph 33 of the Complaint, under the header “Statement  
27 of Facts”: Defendant does not have sufficient knowledge, or information or belief, to  
28 enable Defendant to answer the allegations contained within such paragraph, as

1 stated, and on those grounds deny generally and specifically each and every of the  
2 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

3       34. Answering paragraph 34 of the Complaint, under the header “Statement  
4 of Facts”: Defendant does not have sufficient knowledge, or information or belief, to  
5 enable Defendant to answer the allegations contained within such paragraph, as  
6 stated, and on those grounds deny generally and specifically each and every of the  
7 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

8       35. Answering paragraph 35 of the Complaint, under the header “Statement  
9 of Facts”: Defendant does not have sufficient knowledge, or information or belief, to  
10 enable Defendant to answer the allegations contained within such paragraph, as  
11 stated, and on those grounds deny generally and specifically each and every of the  
12 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

13       36. Answering paragraph 36 of the Complaint, under the header “Statement  
14 of Facts”: Defendant does not have sufficient knowledge, or information or belief, to  
15 enable Defendant to answer the allegations contained within such paragraph, as  
16 stated, and on those grounds deny generally and specifically each and every of the  
17 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

18       37. Answering paragraph 37 of the Complaint, under the header “Statement  
19 of Facts”: Defendant does not have sufficient knowledge, or information or belief, to  
20 enable Defendant to answer the allegations contained within such paragraph, as  
21 stated, and on those grounds deny generally and specifically each and every of the  
22 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

23       38. Answering paragraph 38 of the Complaint, under the header “Statement  
24 of Facts”: Defendant does not have sufficient knowledge, or information or belief, to  
25 enable Defendant to answer the allegations contained within such paragraph, as  
26 stated, and on those grounds deny generally and specifically each and every of the  
27 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

28       39. Answering paragraph 39 of the Complaint, under the header “Statement

1 of Facts": Defendant does not have sufficient knowledge, or information or belief, to  
2 enable Defendant to answer the allegations contained within such paragraph, as  
3 stated, and on those grounds deny generally and specifically each and every of the  
4 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

5       40. Answering paragraph 40 of the Complaint, under the header "Statement  
6 of Facts": Defendant does not have sufficient knowledge, or information or belief, to  
7 enable Defendant to answer the allegations contained within such paragraph, as  
8 stated, and on those grounds deny generally and specifically each and every of the  
9 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

10      41. Answering paragraph 41 of the Complaint, under the header "Statement  
11 of Facts": Defendant does not have sufficient knowledge, or information or belief, to  
12 enable Defendant to answer the allegations contained within such paragraph, as  
13 stated, and on those grounds deny generally and specifically each and every of the  
14 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

15      42. Answering paragraph 42 of the Complaint, under the header "Statement  
16 of Facts": Defendant does not have sufficient knowledge, or information or belief, to  
17 enable Defendant to answer the allegations contained within such paragraph, as  
18 stated, and on those grounds deny generally and specifically each and every of the  
19 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

20      43. Answering paragraph 43 of the Complaint, under the header "First Cause  
21 of Action": Defendant objects to the Argumentative portions of this paragraph.  
22 Defendant does not have sufficient knowledge, or information or belief, to enable  
23 Defendant to answer the allegations contained within such paragraph, as stated, and  
24 on those grounds deny generally and specifically each and every of the allegations  
25 contained therein – and Defendant denies all liability and/or wrongdoing.

26      44. Answering paragraph 44 of the Complaint, under the header "First Cause  
27 of Action": Defendant does not have sufficient knowledge, or information or belief,  
28 to enable Defendant to answer the allegations contained within such paragraph, as

1 stated, and on those grounds deny generally and specifically each and every of the  
2 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

3       45. Answering paragraph 45 of the Complaint, under the header “First Cause  
4 of Action”: Defendant does not have sufficient knowledge, or information or belief,  
5 to enable Defendant to answer the allegations contained within such paragraph, as  
6 stated, and on those grounds deny generally and specifically each and every of the  
7 allegations contained therein – and Defendant denies all liability and/or wrongdoing.

8       46. Answering paragraph 46 of the Complaint, under the header “Second  
9 Cause of Action”: Defendant does not have sufficient knowledge, or information or  
10 belief, to enable Defendant to answer the allegations contained within such  
11 paragraph, as stated, and on those grounds deny generally and specifically each and  
12 every of the allegations contained therein – and Defendant denies all liability and/or  
13 wrongdoing.

14       47. Answering paragraph 47 of the Complaint, under the header “Second  
15 Cause of Action”: Defendant does not have sufficient knowledge, or information or  
16 belief, to enable Defendant to answer the allegations contained within such  
17 paragraph, as stated, and on those grounds deny generally and specifically each and  
18 every of the allegations contained therein – and Defendant denies all liability and/or  
19 wrongdoing.

20       48. Answering paragraph 48 of the Complaint, under the header “Second  
21 Cause of Action”: Defendant does not have sufficient knowledge, or information or  
22 belief, to enable Defendant to answer the allegations contained within such  
23 paragraph, as stated, and on those grounds deny generally and specifically each and  
24 every of the allegations contained therein – and Defendant denies all liability and/or  
25 wrongdoing.

26       49. Answering paragraph 49 of the Complaint, under the header “Second  
27 Cause of Action” and subparagraphs a-r: Defendant does not have sufficient  
28 knowledge, or information or belief, to enable Defendant to answer the allegations

1 contained within such paragraph, as stated, and on those grounds deny generally and  
2 specifically each and every of the allegations contained therein – and Defendant  
3 denies all liability and/or wrongdoing.

4       50. Answering paragraph 50 of the Complaint, under the header “Second  
5 Cause of Action”: Defendant does not have sufficient knowledge, or information or  
6 belief, to enable Defendant to answer the allegations contained within such  
7 paragraph, as stated, and on those grounds deny generally and specifically each and  
8 every of the allegations contained therein – and Defendant denies all liability and/or  
9 wrongdoing.

10      51. Answering paragraph 51 of the Complaint, under the header “Second  
11 Cause of Action”: Defendant does not have sufficient knowledge, or information or  
12 belief, to enable Defendant to answer the allegations contained within such  
13 paragraph, as stated, and on those grounds deny generally and specifically each and  
14 every of the allegations contained therein – and Defendant denies all liability and/or  
15 wrongdoing.

16      52. Answering paragraph 52 of the Complaint, under the header “Second  
17 Cause of Action”: Defendant does not have sufficient knowledge, or information or  
18 belief, to enable Defendant to answer the allegations contained within such  
19 paragraph, as stated, and on those grounds deny generally and specifically each and  
20 every of the allegations contained therein – and Defendant denies all liability and/or  
21 wrongdoing.

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## AFFIRMATIVE DEFENSES

1. As separate and affirmative defenses, Defendant alleges as follows:

## FIRST AFFIRMATIVE DEFENSE

#### **(Failure to State Claim, Statute of Limitations)**

2. Plaintiff's Complaint fails to state a claim upon which relief can be granted.

3. Plaintiff's Complaint also fails to state a claim against any Defendant in this action.

9       4. Plaintiff's claims are time-barred by the operative statutes of limitations  
10 (including, but not limited to, Cal. Code Civ. Proc. § 335.1).

## **SECOND AFFIRMATIVE DEFENSE**

### **(Failure to Mitigate Damages)**

13       5. Plaintiff's claims are barred or limited to the extent Plaintiff failed to  
14 mitigate Plaintiff's injuries or damages, if there were any. Plaintiff failed to mitigate  
15 the damages, if any, which Plaintiff has sustained, and to exercise reasonable care to  
16 avoid the consequences of harms, if any, in that, among other things, Plaintiff failed  
17 to use reasonable diligence in caring for any injuries, failed to use reasonable means  
18 to prevent aggravation of any injuries, and any failed to take reasonable precautions  
19 to reduce any injuries and damages.

### **THIRD AFFIRMATIVE DEFENSE**

#### **(Contributory and/or Comparative Liability)**

22       6. Plaintiff's claims are barred or limited by Plaintiff's  
23 contributory/comparative negligence or other conduct, acts, or omissions, and to the  
24 extent any Plaintiff suffered any injury or damages, it was the result of Plaintiff's own  
25 negligent or deliberate actions or omissions.

26       7. Plaintiff's recovery is barred because any injury or damage suffered by  
27 Plaintiff was caused solely by reason of the Plaintiff's wrongful acts and conduct and  
28 the willful resistance to a peace officer in the discharge of their duties. The conduct

1 set forth in the Complaint, if and to the extent it occurred, was privileged and justified  
2 and done with a good faith believe that it was correct and no action may be taken  
3 against the answering Defendant on account of such conduct.

4 **FOURTH AFFIRMATIVE DEFENSE**

5 **(Public Entity/Employee Immunity for Others' Torts)**

6 8. Plaintiff's recovery is barred because public entities and employees are  
7 immune from liability for any injury caused by the act or omission of another person.  
8 Cal. Gov. Code §§ 815 *et seq.*, 820.2 *et seq.*

9 9. The answering Defendant is informed and believe and thereon allege that  
10 if Plaintiff sustained any injury or damages, such injury or damages were solely  
11 caused or contributed to by the wrongful conduct of other entities or persons other  
12 than the answering Defendant. To the extent that Plaintiff's damages were so caused,  
13 any recovery by Plaintiff as against the answering Defendant should be subject to  
14 proportionately comparative equitable indemnity/contribution from such third parties.

15 **FIFTH AFFIRMATIVE DEFENSE**

16 **(Public Entity/Employee Immunity for Discretionary Acts)**

17 10. There is no liability for any injury or damages, if there were any,  
18 resulting from an exercise of discretion vested in a public employee, whether or not  
19 such discretion as abused. Cal. Gov. Code §§ 815.2, 820.2, 820.4, 820.8, *et seq.*

20 11. Plaintiff's recovery is barred because public entities and employees are  
21 immune from liability for discharging their mandatory duties with reasonable  
22 diligence.

23 12. A public employee may not be held liable for injuries or damages, if any,  
24 caused by failure to adopt or by adoption of an enactment or by failure to enforce an  
25 enactment and/or law, for an injury caused by their issuance, denial, suspension or  
26 revocation or by their failure or refusal to issue, deny, suspend, or revoke, any permit,  
27 license, certificate, approval, order, or similar authorization, where they are  
28 authorized by enactment to determine whether or not such authorization should be

1 issued, denied, suspended, or revoked, pursuant to Cal. Gov. Code §§ 818.2, 818.4,  
2 818.8, 821, and 821.2. Based thereon, answering Defendant is immune from liability  
3 for any injuries claimed by Plaintiff, herein.

4       13. The answering Defendant is immune for any detriment resulting from  
5 any of its actions or omissions at the time of the incident of which Plaintiff complains  
6 pursuant to Cal. Gov. Code §§ 810 *et seq.*, 815 *et seq.*, 820 *et seq.*, and 845 *et seq.*,  
7 including, but not limited to, Cal Gov. Code §§ 810, 810.2, 810.4, 810.6, 810.8, 811,  
8 811.2, 811.4, 811.6, 811.8, 820.6, 820.8, 821, 821.2, 821.4, 821.6, 821.8, 822.2,  
9 830.5, 830.6, 835.4, 844.6, and Cal. Gov. Code §§ 854, *et seq.*, including, but not  
10 limited to, §§ 845.6, 854.6, 854.8(a)(2), and §§ 855.4, 855.6, 855.8, and 856.4.

## **SIXTH AFFIRMATIVE DEFENSE**

### **(Public Entity Immunity)**

13       14. To the extent that the Complaint attempts to predicate liability upon the  
14 County or any employees thereof for purported negligent in retention, hiring,  
15 employment, training, or supervision of any public employee, such liability is barred  
16 by Cal. Gov. Code §§ 815.2 and 820.2 and *Herndon v. Cnty. of Marin*, 25 Cal. App.  
17 3d 933, 935, 936 (1972), *rev'd on other grounds by Sullivan v. Cnty. of Los Angeles*,  
18 12 Cal. 3d 710 (1974); and by lack of any duty running to any Plaintiff; by the fact  
19 that any such purported act or omission is governed exclusively by statute and is  
20 outside the purview of any public employees' authority; and by the failure of any such  
21 acts or omissions to the proximate or legal cause of any injury alleged in the  
22 Complaint. *See de Villers v. Cnty. of San Diego*, 156 Cal. App. 4th 238, 251-253,  
23 255-56 (2007).

24       15. The Defendant may not be held liable on a *respondeat superior* theory  
25 for any negligent or wrongful act or omission on the part of any subordinate. Cal.  
26 Gov. Code §§ 844.6, 845.6; Cal. Civ. Code § 2351; *Malloy v. Fong*, 37 Cal. 2d 356,  
27 378-79 (1951); *Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658 (1978); *Larez v. City of*  
28 *Los Angeles*, 946 F.2d 630, 645-46 (9th Cir. 1991); cf. *City of Canton v. Harris*, 489

1 U.S. 378, 388-89 (1989); *City of Los Angeles v. Heller*, 475 U.S. 796 (1986).

2 **SEVENTH AFFIRMATIVE DEFENSE**

3 **(Qualified Immunity & Good Faith Immunity)**

4 16. The County and its agents or officers at all times relevant to this action  
5 acted reasonably and prudently under the circumstances. Defendant therefore asserts  
6 any individual Defendants' (that have been or may be named by Plaintiff) qualified  
7 immunity from liability to the fullest extent applicable.

8 17. Defendants are immune from liability under the Federal Civil Rights Act  
9 because they acted in good faith with an honest and reasonable belief that their actions  
10 were necessary and appropriate. Defendants are immune from liability under the  
11 Federal Civil Rights Act because a reasonable police officer could believe that their  
12 acts and conduct were appropriate. Defendants are immune from liability under the  
13 Federal Civil Rights Act because their conduct did not violate clearly established  
14 rights. Defendants are also immune from liability under the doctrine of Qualified  
15 Immunity.

16 18. At all relevant times, the County and its agents or officers acted within  
17 the scope of discretion, with due care, and good faith fulfillment of responsibilities  
18 pursuant to applicable statutes, rules and regulation, within the bounds of reason, and  
19 with the good faith belief that their actions comported with all applicable federal and  
20 state laws. *Harlow v. Fitzgerald*, 457 U.S. 800 (1982); Cal Gov. Code §§ 815.2,  
21 820.2.

22 **NINTH AFFIRMATIVE DEFENSE**

23 **(Assumption of Risk)**

24 19. At the time and place referred to in the Complaint, and before such event,  
25 Plaintiff knew, appreciated, and understood each and every risk involved in placing  
26 themselves in the position which Plaintiff then assumed, and willingly, knowingly,  
27 and voluntarily assumed each of such risk, including, but not limited to, the risk of  
28 suffering personal bodily injury, lawful deprivation of rights, and/or death.

1                   **TENTH AFFIRMATIVE DEFENSE**

2                   **(Declaratory Relief is Not Necessary or Proper)**

3                 20. The declaratory relief requested by Plaintiff is neither necessary nor  
4 proper under the circumstances, because the Complaint is couched in vague and  
5 conclusory terms.

6                   **RESERVATION OF AFFIRMATIVE DEFENSES**

7                 21. Because the Complaint is couched in vague and conclusory terms,  
8 Defendant cannot fully anticipate all affirmative defenses that may be applicable to  
9 this action. Accordingly, Defendant hereby reserves the right to assert additional  
10 affirmative defenses, if and to the extent that such affirmative defenses are applicable,  
11 and/ or to withdraw affirmative defenses as may be appropriate. The assertion of any  
12 of the foregoing is not intended and shall not be construed as any stipulation regarding  
13 any shifting of the burden of proof to any Defendant regarding any plaintiff's claims,  
14 or elements thereof.

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## **PRAYER FOR RELIEF**

WHEREFORE, the answering Defendant prays as follows:

1. That the Complaint be dismissed, with prejudice, and in its entirety;
2. That Plaintiff take nothing by reason of this Complaint and that judgment be entered against Plaintiff and in favor of Defendant;
3. That Defendant be awarded attorneys' fees and costs of this suit and costs of proof; and
4. That Defendant be awarded such other relief as the Court deems just.

DATED: March 11, 2025

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: /s/ Abigail J.R. McLaughlin  
TONY M. SAIN  
ABIGAIL J.R. McLAUGHLIN  
Attorneys for Defendant,  
CHAD BIANCO, in his Official Capacity  
as the Riverside County Sheriff

## **JURY DEMAND**

Defendant demands a trial by jury as to each issue triable by jury.

DATED: March 11, 2025

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: /s/ *Abigail J.R. McLaughlin*

TONY M. SAIN

ABIGAIL J.R. McLAUGHLIN

Attorneys for Defendant,  
CHAD BIANCO, in his Official Capacity  
as the Riverside County Sheriff

**FEDERAL COURT PROOF OF SERVICE**  
Vallejos v. Bonta, et al.  
5:25-CV-00350

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to the action. My business address is 633 West 5th Street, Suite 4000, Los Angeles, CA 90071. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On March 11, 2025, I served the following document(s): DEFENDANT CHAD BIANCO'S ANSWER TO PLAINTIFF'S COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF; JURY TRIAL DEMANDED

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

## David Phillip Vallejos

*Pro Se Plaintiff*

4994 Shadydale Lane

Corona, CA 92878

Tel: (714) 609-9982

[soundinstaller441@gmail.com](mailto:soundinstaller441@gmail.com)

The documents were served by the following means:

- (BY E-MAIL OR ELECTRONIC TRANSMISSION) Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- (BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the persons listed above.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on March 11, 2025, at Los Angeles, California.

/s/ Abigail J. R. McLaughlin

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Abigail J. R. McLaughlin